

### REMARKS

In the Office Action, the Examiner rejected claims 72 – 121. With this Amendment, claims 72 and 105 have been amended and claims 104 and 119 have been canceled. The application now includes claims 72 – 103, 105 – 118, 120, and 121.

### DRAWINGS

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) due to the reference character “10” being used to designate both downloading device and recording system. With this Amendment, Applicant encloses one (1) sheet of Replacement drawings (FIG. 2) with the reference character “10” removed therefrom. Therefore, it is respectfully requested that the objection to the drawings be withdrawn.

### DOUBLE PATENTING

In the Office Action, the rejected claims 72 – 75, 77 – 78, and 88 – 91 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,950,013. With the Amendment, Applicant hereby encloses a Terminal Disclaimer overcoming the rejection. Therefore, it is respectfully requested that the rejection of claim 72 – 75, 77 – 78, and 88 – 91 be withdrawn and that claims 72 – 75, 77 – 78, and 88 – 91 be held allowable.

In the Office Action, the rejected claims 105 – 119 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,950,013 in view of the Shamosh patent. With the Amendment, Applicant hereby encloses a Terminal Disclaimer overcoming the rejection. Therefore, it is respectfully requested that the rejection of claim 105 – 119 be withdrawn and that claims 105 – 119 be held allowable.

### REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 105 – 109, 115, 116, 120, and 121 under 35 U.S.C. § 102(b) as being anticipated by the Shamosh et al patent.

With this Amendment, Applicant has amended the claims to better define the present invention. In particular, Applicant has amended claim 105 to include the elements of claim 119 to now claim that access to the device can only be achieved by inputting an electronic access code.

The Shamosh et al patent neither teaches nor suggests the method as now claimed in the present application. The system of the present invention is a two way device, which can not only connect to a recording device to access information but can also receive data/video from the recording device as pre-programmed for alarm situations. That is, with the method of the present invention, video and data received from the recorder on the “download device” does not require a command be sent from the modem but rather received by the modem for the vehicle. This feature is present in Shamosh et al patent. In addition, the present invention has coded access restricting use or access by any number of users or hierarchy of users and limits access to data for security purposes. While encryption is also present, but is only one of the security measures we place. The Shamosh et al patent does not have coded access, as claimed.

Coded access is also important for “chain of title of evidence”. Typically, “chain of title” is required over and above encryption to prove that the video/data was not tampered with and has a “chain of title” which can be followed back to the moment of recording and through to the end user. Encryption alone is no guarantee of data security but only one safeguard. The Shamosh et al patent does not provide coded access, as claimed.

Therefore, since the Shamosh et al patent neither teaches nor suggests the method, as claimed, of the present application, it is respectfully requested that the rejection of claims 105 – 109, 115, 116, 120, and 121 under 35 U.S.C. § 102(b) be withdrawn and that claims 105 – 109, 115, 116, 120, and 121 be held allowable.

#### REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

##### Claims 72, 73, 76 – 85, 89, 91 – 94, 97, 99, and 102 – 104

In the Office Action, the Examiner rejected claims 72, 73, 76 – 85, 89, 91 – 94, 97, 99, and 102 – 104 under 35 U.S.C. § 103(a) as being unpatentable over the Shamosh et al patent.

With this Amendment, Applicant has amended the claims to better define the present invention. In particular, Applicant has amended claim 72 to include the elements of claim 104 to now claim a limited access interface.

Once again, Applicant stresses the importance of not minimizing the importance of the coded access/limited access feature of the present invention. It is tremendously important as part of the device. For instance, if a modem/device falls into the wrong hands, what is to stop the holder from accessing device? The coded access restricts access well beyond encryption and is necessary for “chain of title” of data required in many court cases. The Shamosh et al patent neither teaches nor suggests such a feature.

Therefore, it is respectfully requested that the rejection of claims 72, 73, 76 – 85, 89, 91 – 94, 97, 99, and 102 – 104 under 35 U.S.C. § 103(a) be withdrawn and that claims 72, 73, 76 – 85, 89, 91 – 94, 97, 99, 102, and 103 be held allowable.

#### Claims 88, 94, 95, 98, 100, 101, and 112

In the Office Action, the Examiner rejected claims 88, 94, 95, 98, 100, 101, and 112 under 35 U.S.C. § 103(a) as being unpatentable over the Shamosh et al patent in view of the Horvat patent.

Claims 88, 94, 95, 98, 100, 101, and 112 depend from either claim 72 or claim 105. Applicant believes that claims 72 and 105 are now allowable. Therefore, it is respectfully requested that the rejection of claims 88, 94, 95, 98, 100, 101, and 112 under 35 U.S.C. § 103(a) be withdrawn and that claims 88, 94, 95, 98, 100, 101, and 112 be held allowable.

#### Claims 74, 75, 86, 87, 110, 117, and 118

In the Office Action, the Examiner rejected claims 74, 75, 86, 87, 110, 117, and 118 under 35 U.S.C. § 103(a) as being unpatentable over the Shamosh et al patent in view of the Kikinis patent.

Claims 74, 75, 86, 87, 110, 117, and 118 depend from either claim 72 or claim 105. Applicant believes that claims 72 and 105 are now allowable. Therefore, it is respectfully

requested that the rejection of claims 74, 75, 86, 87, 110, 117, and 118 under 35 U.S.C. § 103(a) be withdrawn and that claims 74, 75, 86, 87, 110, 117, and 118 be held allowable.

Claims 90, 96, 114, and 119

In the Office Action, the Examiner rejected claims 90, 96, 114, and 119 under 35 U.S.C. § 103(a) as being unpatentable over the Shamosh et al patent in view of the Lemelson et al patent.

Claims 90, 96, and 114 depend from either claim 72 or claim 105. Applicant believes that claims 72 and 105 are now allowable.

Therefore, it is respectfully requested that the rejection of claims 90, 96, 114, 119 under 35 U.S.C. § 103(a) be withdrawn and that claims 90, 96, and 114 be held allowable.

CONCLUSION

In conclusion, Applicants believe that the present application is in condition for allowance. Therefore, reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

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